

#### REMARKS

Reconsideration of the application as amended is respectfully requested.

In the action of August 1, 2001, the examiner rejected claims 1-8 under 35 U.S.C. §103 as unpatentable over any one of the references to Hosoi et al, Richardson, Hill or Austin. In response, claim 1 has been amended to specify that the first attachment member is rigid and that the first attachment means is structured and adapted to permit the attachment means to be positioned on a forward portion of the power tool at various longitudinal positions. Still further, new claim 9 has been added to specify the relative dimensions of the dust tube and the first attachment portion.

Applicant's invention is designed for use with a spiral saw power tool. In the use of the such a power tool, an efficient dust collector attachment is a significant advantage, because of the large amounts of dust generated by the high speed rotary saw. It is important that the tip of the saw bit extend beyond the forward edge of the attachment portion means by a distance greater than the thickness of the workpiece. This enables the user to quickly drive through the workpiece to the point where the front edge of the attachment portion abuts the facing surface of the workpiece and then to efficiently and quickly cut the workpiece with the spiral saw, with the forward end of the attachment continuously abutting the surface of the workpiece. In order to accomplish this, the attachment portion is rigid so that the position of the tool can be easily controlled during sawing operation by simply maintaining, with pressure, the forward edge of the attachment portion against the workpiece. Further, the attachment portion is structured to readily permit a change of longitudinal position of the attachment portion relative to the power tool and the end of the drill bit to accommodate different workpieces. Such a structure is efficient and safe as it makes possible a fast cut, while capturing substantially all of the debris/dust created by the action of the saw bit, and eliminating any requirement of longitudinal control over the tool while it is cutting, other than maintaining the attachment portion against the workpiece. There is no need of the attachment portion being transparent to gauge the position of the bit.

Amended claim 1 is distinguished over the Richardson and

Hosoi references, which both specify a flexible, telescoping drill cover structure. With such a telescoping structure, control must be continuously provided by the user over the longitudinal position of the drill. With a high speed rotary saw bit, generating a large amount of dust and debris in operation, such a control requirement is not particularly desirable nor safe.

In addition, claim 1 specifies that the attachment portion is structured so that it can have different longitudinal positions relative to the saw bit, so that the depth of the attachment of the bit can be controlled. None of the references teach such a structure. As discussed above, the Hosoi and Richardson references teach flexible dust collectors, while Hill teaches a movable drill bit shaft and motor with a forward shield which is not adjustable. Austin does not teach or suggest any capability of its shield/cowlings to be adjustable longitudinally to give a different bit exposure.

Applicant's invention promotes efficiency and safety in operation, the depth of cutting action being initially adjustable and after being adjusted is readily controlled by abutting the forward end of the rigid attachment portion against the workpiece. The adjustability of the attachment portion to provide control over the depth of cut is not just a matter of choice, as suggested by the examiner. Applicant's invention significant structural and operational advantages, including reliable capture of the dust produced by the sawing operation for various depths of cuts. The references teach two alternative ways to accomplish change in depth of cut, but not applicant's structure. There is no evidence which suggests that such structure is so routine and well-known that it is a matter. This aspect of applicant's structure is hence not a matter of choice.

Accordingly, claim 1 is patentable over the cited references. Claims 2-8, being dependent upon claim 1, are hence also allowable. Note, however, claim 6, which specifies a particular structure for longitudinal adjustment of the attachment means, and also new added claim 9, which specifies the relationship in diameter of the attachment means and the exit dust means. None of the cited references teach such arrangements. Accordingly, those claims have independent patent significance over the references.

In view of the above, claims 1-9 are in condition for allowance. Such action on the part of the examiner is respectfully

requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following claims have been amended:

1. (Amended) An attachment for a spiral saw power tool, comprising:

a first rigid attachment portion, adapted to be secured to a forward portion of a spiral saw power tool in which a spiral saw bit is mountable, wherein the first attachment portion is structured and adapted to permit the first attachment portion to be secured to the forward portion of the power tool at various selected longitudinal positions therealong, so that when the first attachment portion is in [place] a selected position on the power tool, the tip of a cutting portion of the spiral saw bit extends beyond the forward end of the first attachment portion by a distance at least equal to that of the thickness of the workpiece to be cut by the spiral saw; and

a dust exit member communicating with the interior of the first attachment portion, said dust exit member extending away from a side surface of the first attachment portion, wherein dust generated during use of the tool is substantially collected within the first attachment portion and then moved out from the interior thereof through the dust exit member by a vacuum device connectable to the dust exit member, such that dust can continue to collect within the attachment portion without affecting the operation of the tool.

The following claim has been added:

9. An article of claim 1, wherein the dust exit member has a diameter approximately at least one-half of the diameter of the first attachment portion.